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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,586	06/15/2000	Joseph M. Cannon	129250-000910/US	9026
32498 7590 10/15/2009 CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC P.O. BOX 1995 VIENNA, VA 22183			EXAMINER MILORD, MARCEAU	
			ART UNIT 2618	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/594,586	Applicant(s) CANNON ET AL.	
	Examiner Marceau Milord	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith et al (US Patent No 5812953) in view of Dusse et al (US Patent No 6647260 B2).

Regarding claims 1, 5- 6, Griffith et al discloses a method for configuring a wireless device (figs. 3-5) comprising: displaying wireless device settings (80 of fig. 4; col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11); transmitting (80 of fig. 4) selected wireless device settings to a wireless service provider (col. 8, lines 30-57; col. 12, lines 45-66; col. 13, line 29-col. 14, line 11).

However, Griffith et al does not specifically disclose the steps of accessing an Internet Protocol-based network and transmitting the settings using the IP-based network.

On the other hand, Dusse et al, from the same field of endeavor, discloses the step of accessing an Internet Protocol-based network; and transmitting the settings using the IP-based

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network (figs. 1-2; figs. 4-7; col. 4, lines 27-65; col. 5, lines 1-65; col. 6, line 1 col. 7, line 62; col. 8, lines 15-66).

Dusse et al shows in figure 1, a mobile device that is initially turned on a communications session is established with proxy server device and a provisioning application is activated which displays scripts on display screen of mobile device prompting the user to input provisioning related information via user interface. The provisioning related information and pre-stored device identification information (also referred to as a provisioning request herein) are forwarded to provisioning server via proxy server device using a secure communications session. In addition, the mobile device includes a client module that performs many of the processing tasks performed by mobile device including: establishing a communication session with a proxy server device via airtel (wireless access protocol). The client module is coupled to Wireless Control Protocol interface for the establishment of a communication session and the requesting and receiving of data (accessing an Internet protocol based network). Provisioning server and service server are connected by a landnet (the Internet or an Intranet). The communication protocol supporting landnet can be Transmission Control Protocol (TCP/IP). The provisioning content relating to requests for services takes the form of a request to register a new user. This request is comprised of the URI of service server providing the service (service server) and registration information relating to the user of mobile device. The user of the device is then presented with a plurality of input and choice screens, which may be used in conjunction with the user interface to provide user information, select device features and services. The user information and selected feature and service requests are then forwarded (transmitting the settings using the IP-based network) to the provisioning server device (figs. 1-2; figs. 4-7; col. 4,

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lines 27-65; col. 5, lines 1-65; col. 6, line 1 col. 7, line 62; col. 8, lines 15-66). It is considered that Dusse discloses the steps of accessing an Internet Protocol-based network and transmitting the information to a wireless service provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Dusse to the communication system of Griffith in order to enable a carrier to remotely change the features and services associated with a two-way mobile communications device and provide a system for notifying the user of the changes made.

Regarding claim 2, Griffith et al as modified discloses a Moon et al discloses a method for configuring a wireless device (figs. 3-5), comprising transmitting the substantially same settings to a wireless device (col. 8, lines 30-57; col. 12, lines 45-66; col. 13, line 29-col. 14, line 11).

Regarding claim 3, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cellular telephone (col. 6, lines 34-67; col. 5, lines 34-48; col. 12, lines 43-67).

Regarding claim 4, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cordless telephone (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 7, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein displaying comprises displaying the settings within a PDA menu (col. 13, line 29-col. 14, line 11).

Regarding claim 8, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein displaying comprises displaying the settings within a wireless device menu (col. 8, lines 30-57;col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

Regarding claim 9, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein transmitting comprises transmitting the selected settings according to a schedule (col. 12, lines 45-66;col. 13, line 29-col. 14, line 11).

Regarding claim 10, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein transmitting comprises repeatedly transmitting the selected settings until the wireless device receives the transmission (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 11, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings are transmitted to a wireless device identified by a wireless device communications number (col. 6, lines 34-67; col. 5, lines 34-48; col. 12, lines 43-67).

Regarding claim 12, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the communications number comprises a telephone number (col. 6, lines 34-67; col. 5, lines 34-48; col. 12, lines 43-67).

Regarding claim 13, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings comprise an existing configuration (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 14, Griffith et al as modified discloses a method for configuring a wireless device (figs.3-5), wherein the selected settings comprise a new configuration (col. 6,

lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 15, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cellular telephone settings (col. 5, lines 34-48; col. 4, lines 24-65; col. 12, lines 43-67).

Regarding claim 16, Griffith et al as modified discloses a method for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cordless telephone settings (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claims 17, 21-22, Griffith et al discloses a system for configuring a wireless device (figs. 3-5), comprising: a display settings (80 of fig. 4; col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11) of a separate wireless device and to transmit selected settings to a wireless service provider (col. 8, lines 30-57; col. 12, lines 45-66; col. 13, line 29-col. 14, line 11).

However, Griffith et al does not specifically disclose the features of a configuration interface adapted to access an Internet Protocol-based network and displaying the settings within an e-mail menu or web page.

On the other hand, Dusse et al, from the same field of endeavor, discloses the step of accessing an Internet Protocol-based network; and displaying the settings within an e-mail menu (figs. 1-2; figs. 4-7; col. 4, lines 27-65; col. 5, lines 1-65; col. 6, line 1 col. 7, line 62; col. 8, lines 15-66).

Dusse et al shows in figure 1, a mobile device that is initially turned on a communications session is established with proxy server device and a provisioning application is activated (accessing an internet protocol) which displays scripts on display screen of mobile

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device prompting the user to input provisioning related information via user interface (displaying the settings within an e-mail menu). The provisioning related information and pre-stored device identification information (also referred to as a provisioning request) are forwarded to provisioning server via proxy server device using a secure communications session. In addition, the mobile device includes a client module that performs many of the processing tasks performed by mobile device including: establishing a communication session with a proxy server device via AirNet (wireless access protocol). The client module is coupled to Wireless Control Protocol interface for the establishment of a communication session and the requesting and receiving of data (accessing an Internet protocol based network). Provisioning server and service server are connected by a landnet (the Internet or an Intranet). The communication protocol supporting landnet can be Transmission Control Protocol (TCP/IP). The provisioning content relating to requests for services takes the form of a request to register a new user. This request is comprised of the URI of service server providing the service (service server) and registration information relating to the user of mobile device. The user of the device is then presented with a plurality of input and choice screens, which may be used in conjunction with the user interface to provide user information, select device features and services. The user information and selected feature and service requests are then forwarded (transmitting the settings using the IP-based network) to the provisioning server device (figs. 1-2; figs. 4-7; col. 4, lines 27-65; col. 5, lines 1-65; col. 6, line 1 col. 7, line 62; col. 8, lines 15-66). It is considered that Dusse discloses the steps of accessing an Internet Protocol-based network and displaying the settings within an e-mail menu or web page. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Dusse to the communication system of Griffith

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in order to enable a carrier to remotely change the features and services associated with a two-way mobile communications device and provide a system for notifying the user of the changes made.

Regarding claim 18, Griffith et al as modified discloses a system for configuring a wireless device (figs. 1-2, fig. 4), comprising a wireless service provider adapted to transmit substantially the same selected settings to a wireless device (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 19, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cellular telephone (col. 5, lines 34-48; col. 4, lines 24-65; col. 12, lines 43-67).

Regarding claim 20, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the wireless device comprises a cordless telephone col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 23, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the interface is adapted to display the settings within a PDA menu (col. 13, line 29-col. 14, line 11).

Regarding claim 24, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the interface is adapted to display the settings within a wireless device menu (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 25, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the provider is adapted to transmit the selected settings

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according to a schedule (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 26, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the provider is adapted to repeatedly transmit the selected settings until the wireless device receives the transmission (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 27, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the provider is adapted to transmit the selected settings to the wireless device upon receiving a wireless device communications number which identifies the wireless device (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 28, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the communications number comprises a telephone number (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Regarding claim 29, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise an existing configuration (col. 6, lines 34-67; col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 30, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise a new configuration (col. 5, lines 34-48; col. 4, lines 24-65; col. 13, line 43-col. 14, line 11).

Regarding claim 31, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cellular telephone settings (col. 5, lines 34-48; col. 4, lines 24-65; col. 12, lines 43-67).

Regarding claim 32, Griffith et al as modified discloses a system for configuring a wireless device (figs. 3-5), wherein the selected settings comprise cordless telephone settings (col. 6, lines 9-57; col 11, line 66-col. 12, line 15; col. 13, lines 1-10).

Response to Arguments

3. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. M./
Primary Examiner, Art Unit 2618

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